

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re: : Chapter 11
THREE AMIGOS SJL REST., INC., : Case No. 16-13341 (SMB)
Debtor. :
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**ORDER GRANTING THE MOTION OF 250 WEST OWNER LLC,
250 WEST OWNER II LLC AND 250 WEST OWNER III LLC
TO VACATE THE AUTOMATIC STAY**

Upon the motion, dated December 8, 2016 (the “Motion”) of 250 West Owner LLC, 250 West Owner II LLC and 250 West Owner III LLC (collectively, “Owner”), for an order: (a) vacating the automatic stay pursuant to 11 U.S.C. §362(d)(1) to permit Owner’s enforcement of its rights in, and remedies in and to, the property described as all rooms in the street level premises located at 252 West 43rd Street, New York, New York, currently occupied by the Debtor, Three Amigos SJL Rest., Inc. (the “Debtor”), and operated as a gentlemen’s club known as Cheetahs (the “Premises”), by (1) directing the United States Marshals to enforce an order entered November 15, 2016 by the Appellate Division, First Department (the “Appellate Division Order”) in a state court action commenced in December 2014 and entitled “Three Amigos SJL Rest., Inc. v. Alphonse Hotel Corp., 250 West 43 Owner, LLC, 250 West 43 Owner II, LLC, 250 West 43 Owner III, LLC, and Athene Annuity and Life Company,” which Appellate Division Order granted partial summary judgment to Owner declaring the Debtor’s lease for the Premises to have been terminated in December 2014 and directing the Clerk of New York County to enter judgment accordingly, which judgment was duly entered in the Office of the Clerk of New York County on November 22, 2016, awarding possession of the Premises to Owner and directing the Debtor’s eviction from the Premises, or (2) allowing Owner to continue

enforcing the judgment through the Sheriff of New York County; and (b) granting such other and further relief as the Court deems just and proper; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing, it is hereby

ORDERED that the Motion is granted to the extent that the automatic stay imposed in this case is vacated, effective as of fourteen (14) days from the date of entry of this Order, in accordance with Federal Rule of Bankr. Pro. 4001(3), to allow Owner to pursue their rights under applicable law with respect to the Premises **provided that during the fourteen day period, the Debtor may seek a stay in State Court. [SMB: 1/19/17]**

Dated: January 19th, 2017
New York, New York

/s/ STUART M. BERNSTEIN _____
THE HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE